

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
EUGENE DISTRICT OFFICE

1792A
EA-99-17
2812
Giustina L&T
E-364A

DECISION DOCUMENTATION and FINDING OF NO SIGNIFICANT IMPACT
Amendment No. 7A To
Right-of-Way and Road Use Agreement E-364
and O. and C. Logging Road Right-of-Way Permit E-364A
Environmental Assessment No. OR090-99-17

FINDING OF NO SIGNIFICANT IMPACT

On the basis of the information contained in the Environmental Assessment, and all other information available to me, it is my determination that implementation of the proposed action of alternatives will not have significant environmental impacts beyond those already addressed in the *Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents with the Range of the Northern Spotted Owl (April 1994)* and the *Eugene District Record of Decision and Resource Management Plan (June 1995)*, with which this EA is in conformance, and does not constitute a major federal action having a significant effect on the human environment. Therefore, an environmental impact statement is not necessary and will not be prepared.

DECISION

Based on the analysis documented in the Environmental Assessment (EA) No. OR090-EA-97-31 and the Finding of No Significant Impact, it is my decision to implement the Proposed Action. The action consists of two parts: Amendment to an existing Right-of-Way agreement and permit which will result in permanent road construction on 0.02 acres of public land, and will facilitate the removal of approximately 632 acres of mixed age dispersal and foraging habitat on adjacent private land; and decommissioning approximately 1,200 feet of existing road on public land.

ALTERNATIVES

In addition to the selected alternative, the EA considered the effects of the No Action Alternative.

DECISION RATIONALE

The Proposed Action was selected because it best meets the goal of reciprocal agreements, which is to avoid duplicate road systems and to provide long-term access to the intermingled land of both the government and private industry. In addition, the environmental impacts of the No Action Alternative would be greater than the impacts of the Proposed Action.

The proposed action is in conformance with the "*Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents within the Range of the Northern Spotted Owl*," (NSO ROD, April 1994), and the "*Eugene District Record of Decision and Resource Management Plan*," (RMP, June 1995).

CONSULTATION AND COORDINATION

The EA (page 3) stated that botanical surveys would be conducted on Road No. 20-5-33.6 prior to ground disturbing activities. Habitat surveys conducted on February 1, 2000 revealed that the road is not suitable habitat for any botanical species, including Survey and Manage species. Therefore, surveys are not required, and no mitigations to manage sensitive species are necessary.

Pursuant to the Endangered Species Act, formal consultation has been initiated with the U.S. Fish and Wildlife Service (FWS) over the interrelated and interdependent actions of Giustina Land and Timber Company involving the removal of dispersal habitat on private land via Federally-controlled roads. Any mandatory terms and conditions specified by FWS in their Biological Opinion will be implemented as part of this decision. Non-mandatory conservation recommendations will be provided to Giustina Land and Timber with the Amendment package.

PUBLIC COMMENTS

A public notice advertising the availability of the EA and FONSI appeared in the Eugene Register-Guard on December 22, 1999. Additionally, the EA and FONSI were mailed to interested individuals and organizations (EA, p. 5). A 30-day public comment period closed on January 21, 2000. No comments were received.

ADMINISTRATIVE REVIEW OPPORTUNITIES

The decision to implement this action may be appealed to the Office of Hearings and Appeals, Office of the Secretary, U.S. Department of the Interior, in accordance with the regulations contained in 43 CFR Part 4. If an appeal is taken, the notice of appeal must be filed in this office within thirty (30) days of the first publication of the notice of this decision in the Eugene Register-Guard on February 16, 2000, for transmittal to the Board. A copy of the notice of appeal and any statement of reasons, written arguments, or briefs, must also be served upon the Regional Solicitor, Pacific Northwest Region, U.S. Department of the Interior, 500 NE Multnomah Street, Suite 607, Portland, Oregon 97323, within the same time frame. In taking an appeal, there must be strict compliance with the regulations. In accordance with 43 CFR 4.21, an appellant has the right to petition the Office of Hearing and Appeals to stay the implementation of the decision; however, an appellant must show standing and present reasons for requesting a stay of the decision. The petition for stay must be filed together with a timely notice of appeal.

Signed by: Steven A. Calish
South Valley Field Manager

Date: February 10, 2000